

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Fairfield Sentry Limited, et al.,

Debtors in Foreign Proceedings.

Fairfield Sentry Limited (In Liquidation),

Plaintiff

-against-

Theodoor GGC Amsterdam, et al.

Defendants.

This Notice of Motion to Dismiss is related to
the following Adversary Proceedings:

10-03635

10-03636

Chapter 15 Case

Case No. 10-13164 (BRL)

Jointly Administered

Adv. Pro. No. 10-03496 (BRL)

Administratively Consolidated

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant BBVA (Suisse) SA's Motion to Dismiss, and all prior pleadings and proceedings herein, Defendant BBVA (Suisse) SA ("BBVA" or "Defendant") will move this Court, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure, for an order dismissing with prejudice: (a) the Fifth Amended Complaint filed on August 11, 2021 by the Liquidators of Fairfield Sentry Limited and Fairfield Sigma Limited in Adv. Pro. No. 10-03635 (ECF No. 620); and (b) the Fifth Amended Complaint filed on August 12, 2021 by the Liquidators of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited in Adv. Pro. No. 10-03636 (ECF No. 679).

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: October 29, 2021

Respectfully Submitted,

WINSTON & STRAWN LLP

By: /s/ Keith R. Palfin

Heather Lamberg
Keith R. Palfin
1901 L Street, N.W.
Washington, D.C. 20036-3506
Telephone: (202) 282-5000
Facsimile: (202) 282-5100
E-mail: hlamberg@winston.com
E-mail: kpalfin@winston.com

Counsel for Defendant BBVA (Suisse) SA